

### **Remarks**

Claims 1-20 are pending in the application. Claims 1, 2, 15, 16, 18 and 19 were rejected, claims 3-8, 17 and 20 were objected to, and claims 9-14 were allowed. By this Amendment, claim 1 has been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

#### **Rejection Under 35 U.S.C. § 102**

Claims 1, 15, 16, 18 and 19 were rejected under § 102(b) as being anticipated by U.S. Patent No. 6,907,802 issued to Schneider et al. (hereinafter "Schneider '802"). Independent claims 1 and 15 are discussed separately below.

Applicants have amended claim 1 to more distinctly claim the present invention. Amended claim 1 recites a hose clamp installation tool having a tab disposed on a distal end of a housing and an engagement surface for engaging and releasing the clamp that is "fixedly positioned relative to the tab." Schneider '802 does not disclose an engagement surface for engaging and releasing the clamp that is fixedly positioned relative to the tab. Instead, Schneider '802 discloses a tool 10 having an axial rod 42 and a moveable member 14 (see column 4, line 66 through column 5, line 1). The axial rod 42 is "anchored at its proximal end in housing 12" (see column 5, lines 6-7) and includes a hooked portion 43 "used to engage clamp 20" (see column 5, line 13). The moveable member 14 comprises a sleeve 40 that is "moveably mounted on [the] axial rod 42" (see column 4, line 67 through column 5, line 1). To activate clamp 20, the hook portion 43 is first "inserted into slot 28a" of the clamp 20 (see column 6, lines 1-2). Trigger mechanism 48 "is then activated to extend sleeve 40 and to urge sleeve 40 into engagement with tapered arm 29" of the clamp (see column 6, lines 5-6). In other words, the sleeve 40 is not fixedly positioned relative to the hook portion 43 for either engaging or releasing the clamp. Moreover, Applicants note that axial rod 42, which was identified in the Office Action as being an engagement surface, merely "engages a cross bar" of the clamp, but does not *engage and release* the clamp as required by claim 1. For these reasons, Applicants believe the rejection of claim 1 has been overcome. Since claims 3-8

depend on amended claim 1, these claims are believed to be allowable for the same reasons.

Claim 15 requires “an arm” disposed on a distal end of a housing. The arm includes “a tab and an engagement surface disposed adjacent to the tab.” Schneider ‘802 does not disclose an arm that includes a tab and an engagement surface. Indeed, the Examiner did not mention an arm in the Office Action or present any support for this rejection. Consequently, a *prima facie* case has not been established. Moreover, Applicants note that axial rod 42, which was identified in the Office Action as being an engagement surface, merely “engages a cross bar” of the clamp, but does not contact the clamp *to release* the clamp as required by claim 15. For these reasons, Applicants respectfully request that this rejection be withdrawn. Since claims 16, 18 and 19 depend on claim 15, Applicants believe that the rejection of these claims must be withdrawn for the same reasons.

#### **Rejection Under 35 U.S.C. § 103**


Claim 2 was rejected under § 103(a) as being unpatentable over Schneider ‘802 in view of U.S. Patent No. 5,615,575 issued to Goodwin. Claim 2 depends on amended claim 1. As such, Applicants believe that claim 2 is allowable for the reasons previously discussed.

**Conclusion**

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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